

Denial of this motion is without prejudice to the filing of a motion for the allowance of an administrative expense claim under section 503(b).



THE RELIEF SOUGHT IN THIS ORDER IS DENIED.

SIGNED this 09 day of April, 2009.

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.**



Marcia Phillips Parsons
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION AT GREENEVILLE

In Re

APPALACHIAN OIL COMPANY, INC.

Debtor

CASE NO. 09-50259
Chapter 11

**ORDER GRANTING MOTION AND APPLICATION OF KENNETH R. SHAW FOR
RELIEF FROM AUTOMATIC STAY, TO REQUIRE PROPERTY TO BE
ABANDONED, AND FOR PAYMENT OF LEASE OBLIGATIONS**

This matter is before the court on *Motion and Application of Kenneth R. Shaw for Relief from Automatic Stay, to Require Property to Be Abandoned, and for Payment of Lease Obligations*. Based on the motion and application and on the entire record in this case, the motion and application are GRANTED. It is ordered as follows:

- a. The automatic stay of section 362(a) of the Bankruptcy Code as to the Lease Agreement dated May 1, 2004, between the debtor and Kenneth R. Shaw and as to the property it concerns, known as 6135 Jonesbridge Road, Greeneville, Tennessee 37743, is terminated.
- b. The debtor, as debtor-in-possession, is required to abandon the Lease Agreement dated May 1, 2004, between the debtor and Kenneth R. Shaw and the property it concerns, known as 6135 Jonesbridge Road, Greeneville, Tennessee 37743.
- c. Kenneth R. Shaw is allowed a claim for rent incurred between February 9, 2009, and

March 31, 2009, under section 365(d)(3) of the Bankruptcy Code in the amount of \$5,142.86.

d. The debtor-in-possession or its successor-in-interest is authorized and directed to pay Kenneth R. Shaw the sum allowed under “c” above before payment of section 503 administrative claims.

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APPROVED FOR ENTRY

/s/Edward T. Brading
Edward T. Brading (BPR#13724)
Herndon, Coleman, Brading & McKee
P. O. Box 1160
Johnson City, TN 37605-1160
(423)434-4700
Attorney for Kenneth R. Shaw

DENIED

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the *Order Granting Motion and Application of Kenneth R. Shaw for Relief from Automatic Stay, to Require Property to Be Abandoned, and for Payment of Lease Obligations* was served electronically and, in addition, on this date upon the persons and entities shown below and on the annexed mailing matrix (unless served electronically) by placing a true and exact copy of said document in the United States Mail addressed as follows, with sufficient postage thereon to carry the same to its destination.

William Kaye, Sr. Bankruptcy Advisor
Coca-Cola Enterprises, Inc.
521 Lake Kathy Dr.
Brandon, FL 33510

Douglas L. Lutz
Frost Brown Todd, LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202

Brent C. Strickland
Stephen B. Gerald
John F. Carlton
Whiteford, Taylor & Preston L.L.P.
Seven Saint Paul Street
Baltimore, Maryland 21202-1636

William B. Sullivan, Esq.
Womble Carlyle Sandridge & Rice, PLLC
One West Fourth Street
Winston-Salem, NC 27101

Appalachian Oil Company, Inc.
P. O. Box 1500
Blountville, TN 37617-1500

The parties served electronically are as follows:

James S. Carr, KDWBankruptcyDepartment@kelleydrye.com,
BankruptcyDepartment3@Kelleydrye.com
Mark S. Dessauer, dessauer@hdsdlaw.com, bchase@hdsdlaw.com
Nicholas A. Franke, nfranke@spencerfane.com,
kcollier@spencerfane.com,;ssidebottom@spencerfane.com
Craig V. Gabbert, cvg@h3gm.com
Crystal A. Johnson, cjohnson@cwlaw.com, lskinner@cwlaw.com, OKC_ECF@cwlaw.com
Gregory C. Logue, logue@wnbac.com
Kiran A. Phansalkar, kphansalkar@cwlaw.com, lskinner@cwlaw.com; OKC_ECF@cwlaw.com
Glenn B. Rose, gbr@h3gm.com, usbcmail@h3gm.com
John F. Teitenberg, jteitenberg@jbtlaw.com
United States Trustee, Ustpre08kx.ecf@usdoj.gov

This the 13th day of March, 2009.

/s/Edward T. Brading
Edward T. Brading (BPR#13724)
Herndon, Coleman, Brading & McKee
P. O. Box 1160
Johnson City, TN 37605-1160
(423)434-4700
Attorney for Kenneth R. Shaw